

Exhibit A

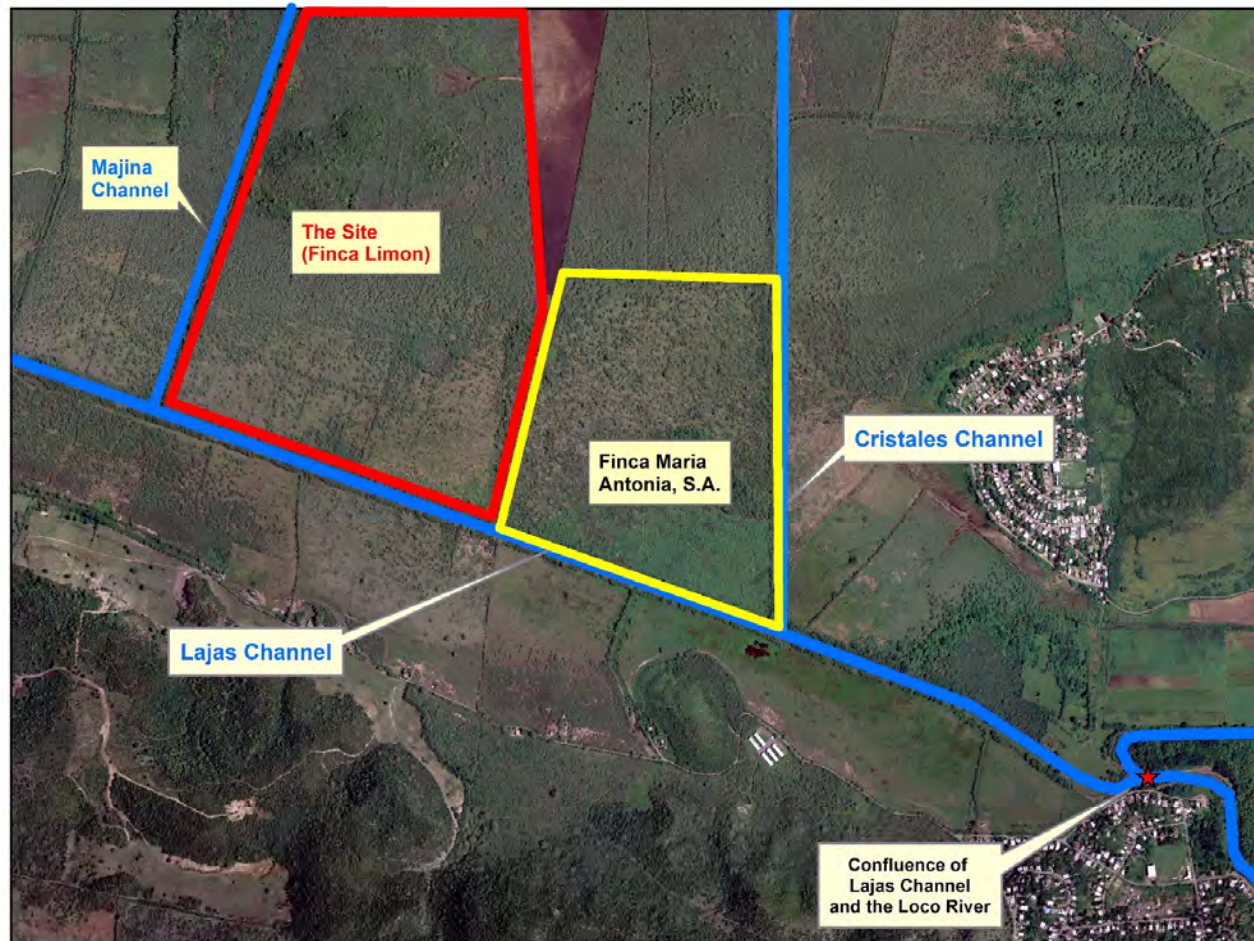
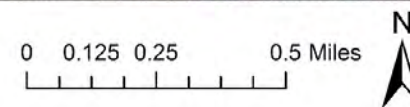


Exhibit B



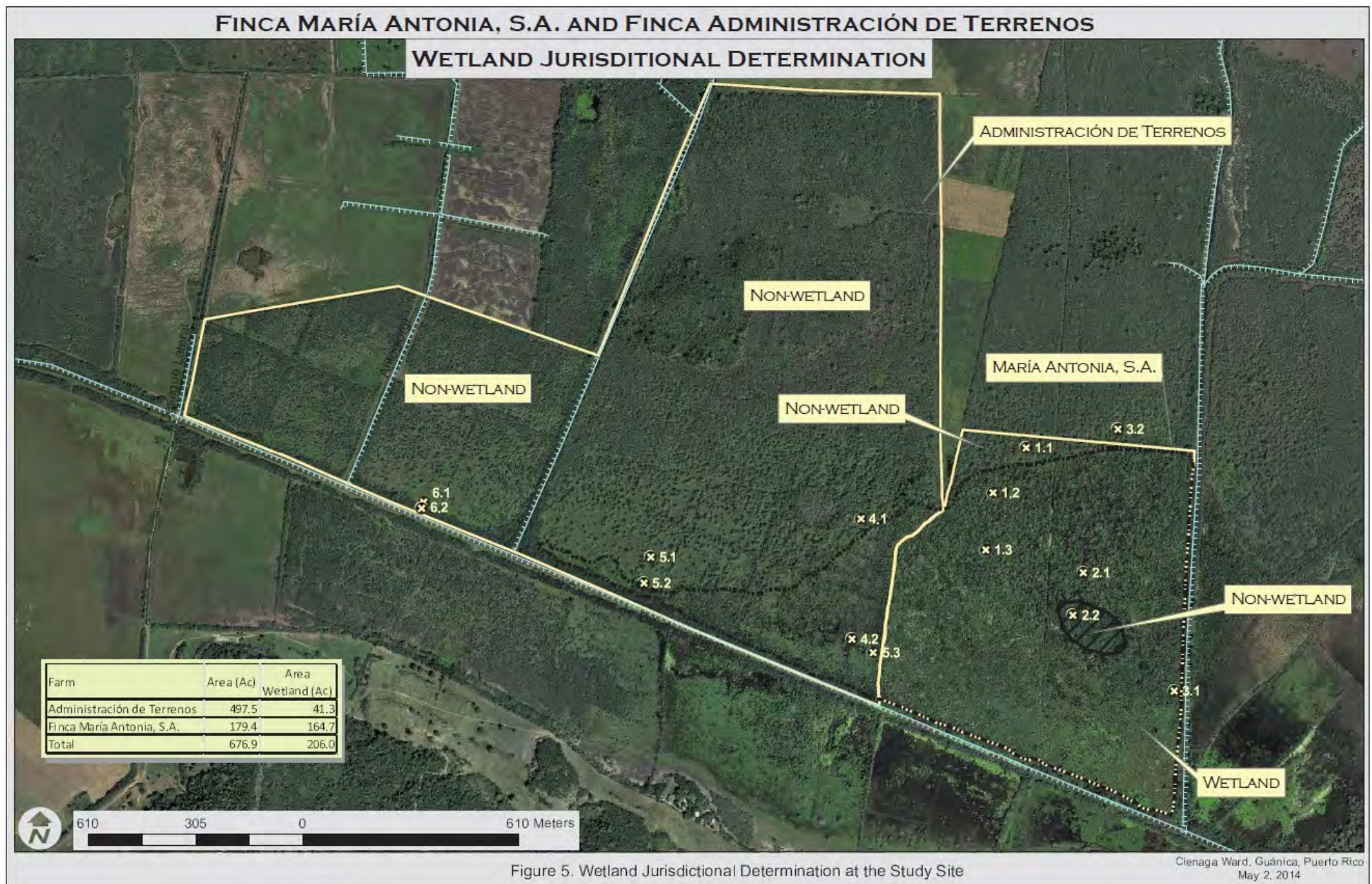


Exhibit C Draft, unverified wetland delineation submitted by PRLA in May 2014.
 “Administracion de Terrenos” corresponds to Finca Limon.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

Exhibit D

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Salvador E. Ramírez Cardona
Executive Director
Puerto Rico Land Authority
P.O. Box 9745
Santurce, Puerto Rico 00908

Re: Review of Wetland Jurisdictional Determination prepared
In the Matter of Puerto Rico Land Authority
Proceeding pursuant to Section 309(a) of the Clean Water Act, 33 U.S.C. § 1319(a)
Order on Consent CWA-02-2014-3502
Unauthorized discharges of dredged/fill material in wetlands on Finca Maria Antonia S.A.,
Ciénaga Ward, Municipality of Guánica, Puerto Rico

Dear Mr. Ramírez Cardona:

The U.S. Environmental Protection Agency (EPA) is in receipt of the report titled "Wetland Jurisdictional Determination, Finca Maria Antonia, S.A., PR-Land Authority, and Finca Limon, PR-Land Administration, Barrio Cienaga, Guanica, Puerto Rico," dated May 8, 2014, which was prepared by Luis Perez-Alegria for the Puerto Rico Land Authority (PRLA), to fulfill paragraph 71 of the above-referenced Order on Consent. This letter provides EPA's comments pursuant to paragraph 72 of the Order on Consent. Pursuant to paragraph 72, the EPA will provide comments on the report to PRLA within thirty (30) days. Then PRLA will revise the report accordingly within thirty (30) days. The final report, as approved by the EPA, will be forwarded to the U.S. Army Corps of Engineers as the official jurisdictional determination for the site.

Our specific comments follow:

- (1) The draft report addresses a study site encompassing both Finca Maria Antonia, S.A., and the neighboring Finca Limon to the west. Whereas this makes technical sense in that the draft report identifies a single, large wetland stretching across the boundary of the two properties, the Order on Consent applies only to Finca Maria Antonia, S.A. Therefore, please revise the final report as a jurisdictional determination report for Finca Maria Antonia, S.A., alone. The data on Finca Limon may be included in the final report for information purposes. If the PRLA wishes to obtain an official jurisdictional determination for Finca Limon, it must "re-package" the information as a report on Finca Limon for separate, subsequent submittal to the Corps for its review and approval.

That said, the EPA is making a general determination with respect to the jurisdictional nature of the wetland as a whole. This determination of jurisdiction for the wetland is binding upon the Corps.

This relates specifically to our determination, described below and stated within the Order on Consent, that the wetland is under federal jurisdiction by virtue of its adjacency to Lajas Channel, which is a navigable-in-fact waterway. The reach of the wetland on Finca Maria Antonia, S.A., is subject to review and determination by the EPA. The reach of the wetland on Finca Limon, and the possible existence of additional wetlands on Finca Limon, is subject to independent review and determination by the Corps.

- (2) The draft report describes the single, large wetland crossing the two properties as an “isolated” wetland. We disagree.

The draft report correctly states that berms separate the wetland from Lajas Channel and from the tributary channels to Lajas Channel (e.g., Cristales Channel). But the report also explains that these channels are drainage channels constructed as part of the Lajas Valley agricultural project, and that these channels drain the wetland. The fact that the channels drain the wetland demonstrates hydrologic connectivity between the channels and the wetland. This hydrologic connectivity supports the EPA determination, set forth in the Order on Consent, that the wetland is adjacent to Lajas Channel.

“Waters of the United States” include navigable-in-fact waters, which are “traditional navigable waters,” and wetlands adjacent to those waters. Enclosed please find a copy of the December 2, 2008, joint guidance of the EPA and the Corps on Clean Water Act Jurisdiction Following the U.S. Supreme Court’s Decision in Rapanos v. United States & Carabell v. United States. The factual circumstance of the wetland described in the draft report fits the circumstance set forth on page 4 of this joint guidance, specifically in the section titled Traditional Navigable Waters (i.e., “(a)(1) Waters”) and Their Adjacent Wetlands. In accordance with this joint guidance, the agencies shall exert jurisdiction over wetlands “adjacent” to traditional navigable waters, and “adjacent” is defined therein as “bordering, contiguous, or neighboring.” Lajas Channel is a traditional navigable water because it is currently used, was used in the past, or may be susceptible to use in interstate or foreign commerce. Direct evidence for this finding are the observations of EPA during the site visit on December 10, 2013. EPA observed and photographed fishing boats moored within Lajas Channel (please see enclosed photograph), and observed that Lajas Channel is of sufficient depth and breadth for navigation by small boats, including recreational and fishing craft.

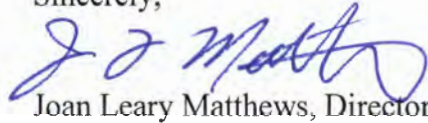
The joint guidance further states that wetlands separated from other waters, including a traditional navigable water, by man-made dikes or barriers are “adjacent wetlands.” The wetlands described in the draft report are separated from Lajas Channel by a berm which is man-made, and which was, to our understanding, created by the side-casting of dredged material when Lajas Channel was constructed through the wetlands in the 1950’s. Berms and similar features typically do not block all water flow, but rather allow seepage. Also, berms are frequently overtopped by high water (as the draft report states is the case for the wetlands, which receive overflow water from Lajas Channel when daily water releases occur from the hydroelectric reservoirs on the Rio Loco). Seepage and overflow maintain hydrologic connections between waters and wetlands despite man-made dikes or barriers in between them. Wetlands situated behind berms serve important water quality functions for waters, such as filtering sediment and pollutants before they enter a tributary, and aquatic species frequently inhabit both sides of berms. In the present circumstance, we expect that the wetlands filter pollutant and sediments from runoff waters flowing towards Lajas Channel from the hills, along the north to south gradient, and provide habitat for water birds inhabiting both the wetland and

Lajas Channel. Therefore, the wetland is not "isolated," and is under federal jurisdiction.

- (3) The draft reports depicts 164.7 acres of Finca Maria Antonia, S.A., as part of the single, large wetland extending across the two properties. The boundaries of the wetland, as depicted in Figure 5 of the draft report, appear generally correct based upon our analysis of aerial photography and our site visit on December 10, 2013. EPA will visit the site with Mr. Perez-Alegria on June 12, 2014, and we will check the boundary in the vicinity of sample points 1.1 and 3.2. Aerial photographic review indicates that the boundary may be slightly farther to the north of where it is depicted in Figure 5. EPA staff will flag the correct boundary in the field with Mr. Perez-Alegria that day for your use in revising the draft report as the final report.

Thank you for your cooperation in this matter. If you would like to contact me directly with any questions, I am available at (212) 637-3724. Otherwise, for further information or to answer specific questions, you may have your staff contact David Pohle, Wetlands Enforcement Coordinator, at (212) 637-3824, or have legal counsel contact Eduardo J. Gonzalez, Esq., Assistant Regional Counsel, at (212) 637-3223.

Sincerely,



Joan Leary Matthews, Director
Clean Water Division

Enclosures

cc: Honorable Myrna Comas Pagán
Secretary
Puerto Rico Department of Agriculture

Theresa Hudson
Chief, Regulatory Enforcement, Corps of Engineers, Jacksonville District

Photograph taken by David Pohle, EPA-Region 2, on December 10, 2013, showing two boats moored in Lajas Channel.





Exhibit E

PRLA consultants making observations in the wetland/upland transition zone between points 1.1 and 1.2, on June 12, 2014.



Exhibit F PRLA consultants making observations at the location of point 3.2 which is situated within a plowed and bermed rice paddy. View is southwestward. The trees in the background are situated on Finca Maria Antonia, S.A.



Exhibit G Land-clearing on southern half of Finca Limon, observed June 12, 2014. View is southwestward towards Lajas Channel. The hills in the background are situated on the south side of Lajas Channel.

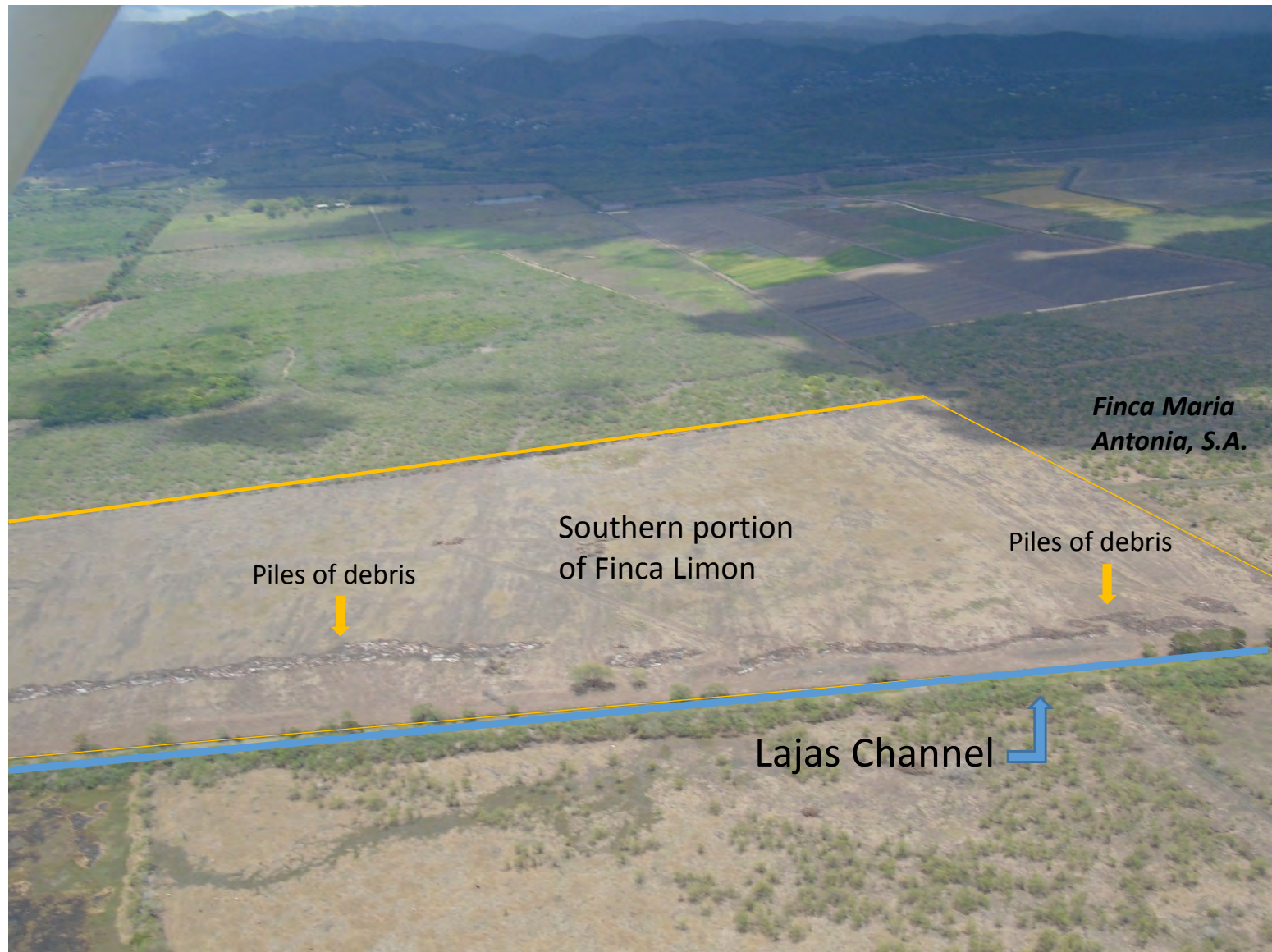


Exhibit H Land-clearing on southern half of Finca Limon. View is northward. Aerial image taken by local non-governmental organization on or about August 19, 2014.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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Exhibit I

SEP 04 2014

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Salvador E. Ramírez Cardona
Executive Director
Puerto Rico Land Authority
P.O. Box 9745
Santurce, Puerto Rico 00908

Re: Wetland Jurisdictional Determination
In the Matter of Puerto Rico Land Authority
Proceeding pursuant to Section 309(a) of the Clean Water Act, 33 U.S.C. § 1319(a)
Order on Consent CWA-02-2014-3502
Unauthorized discharges of dredged/fill material in wetlands on Finca María Antonia S.A.,
Ciénaga Ward, Municipality of Guánica, Puerto Rico

Dear Mr. Ramírez Cardona:

By letter dated June 3, 2014, the U.S. Environmental Protection Agency (EPA) reviewed the report titled "Wetland Jurisdictional Determination, Finca María Antonia, S.A., PR-Land Authority, and Finca Límon, PR-Land Administration, Barrio Ciénaga, Guánica, Puerto Rico," dated May 8, 2014, which was prepared by Luis Pérez-Alegría for the Puerto Rico Land Authority, to fulfill paragraph 71 of the above-referenced Order on Consent. EPA provided comments on the report. Pursuant to paragraph 72, the Land Authority should have revised the report per EPA comments within thirty (30) days. We have not received a revised report.

In our June 3, 2014 letter, we instructed you to revise the report as a jurisdictional determination for Finca María Antonia, S.A., alone. (The May 8, 2014, report also encompassed Finca Límon.) However, because the EPA is now the lead enforcement agency with respect to unauthorized work on Finca Límon, it would be appropriate for the two properties to remain addressed within a single report.

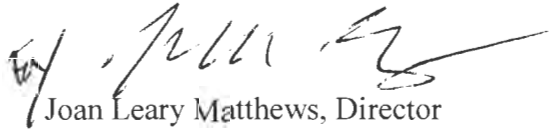
As you may be aware, my staff field-checked the Finca María Antonia, S.A., northern wetland boundary on June 12, 2014, and confirmed its accuracy. My staff only requested that Mr. Pérez-Alegría confirm that the northern boundary of wetlands depicted in Figure 5 of the report passes north of the area of May 2013 work, since that work area was wetland. To this end, Mr. Pérez-Alegría collected GPS information in the field at the correct location for the boundary line.

My staff did not field-check the Finca Límon wetlands boundary on June 12, 2014, because the vegetation and soils in the boundary area had been disturbed within the days prior. In light of the land-clearing on Finca Límon, which hinders the ability to field-check the wetland boundary, we request that the revised report include aerial photographic and topographic analysis to justify the boundary as drawn, and the claim of only 41.3 acres of wetlands on Finca Límon. In addition, the revised report should address the possible presence of any drainageways within the interior of Finca Límon (see Exhibit A).

We request that you please submit the revised report us within thirty days.

We appreciate your cooperation in this matter. If you would like to contact me directly with any questions, I am available at (212) 637-3724. Otherwise, for further information or to answer specific questions, you may have your staff contact David Pohle, Wetlands Enforcement Coordinator, at (212) 637-3824, or have legal counsel contact Eduardo J. Gonzalez, Esq., Assistant Regional Counsel, at (212) 637-3223.

Sincerely,

A handwritten signature in black ink, appearing to read "Joan Leary Matthews", with a stylized flourish at the end.

Joan Leary Matthews, Director
Clean Water Division

Enclosure

cc: Theresa Hudson
Chief, Regulatory Enforcement, Corps of Engineers, Jacksonville District

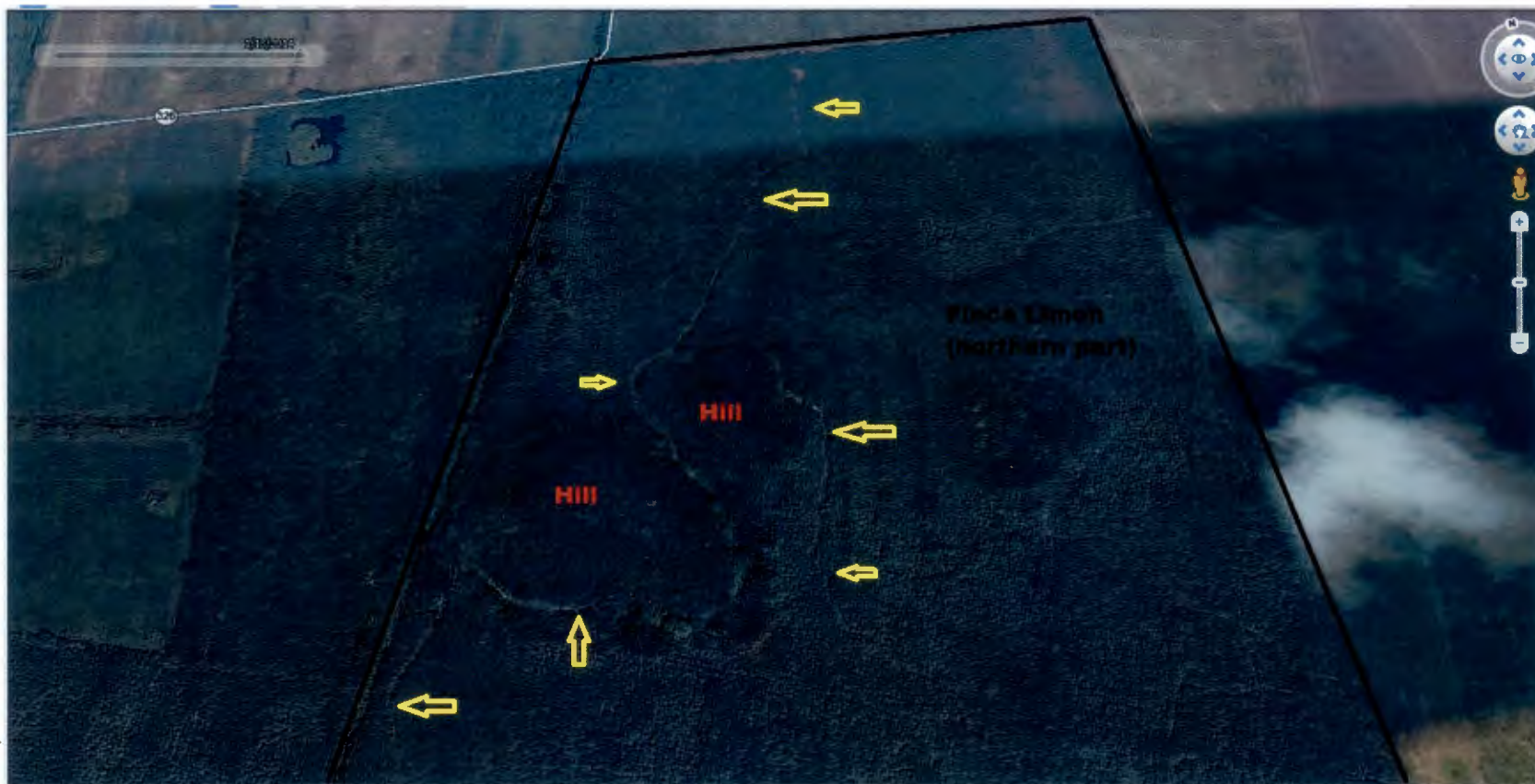


Exhibit A - Aerial image from Google Earth dated December 2013. Yellow arrows point to possible drainageways.

Pohle, David

From: Luis R. Perez-Alegria <rompera@yahoo.com>
Sent: Tuesday, December 02, 2014 9:59 PM
To: Pohle, David
Cc: Rafael M. Espasas Garcia
Subject: Re: Week of Dec 8th
Attachments: JD_Final_Figure5_1dec14.pdf; 20141202225803451_71_72.pdf

Dear David:

Please find a review of the delineation of wetland-non wetlands in Ma. Antonia, SA and Finca Limón, Guánica, PR. There are two new areas added in Finca Limón that we missed in the previous delineation. Weather has been very wet lately and has shown very interesting sites in Limon, especially on some spots where artesian water pressure are showing up in the two spots (pts 7.1 and 7.2) shown in Figure 5 attached. The first spot (7.1) seems to be more related to what looks like the abandoned channel of Maginas creek, while the second spot (7.2) is more related to artesian groundwater pressure release.

I am attaching data sheets for both sites.

I will see you on the 9th.

Have a safe trip.

Regards,

luis

Luis R. Pérez-Alegría, Ph.D., P.Eng.

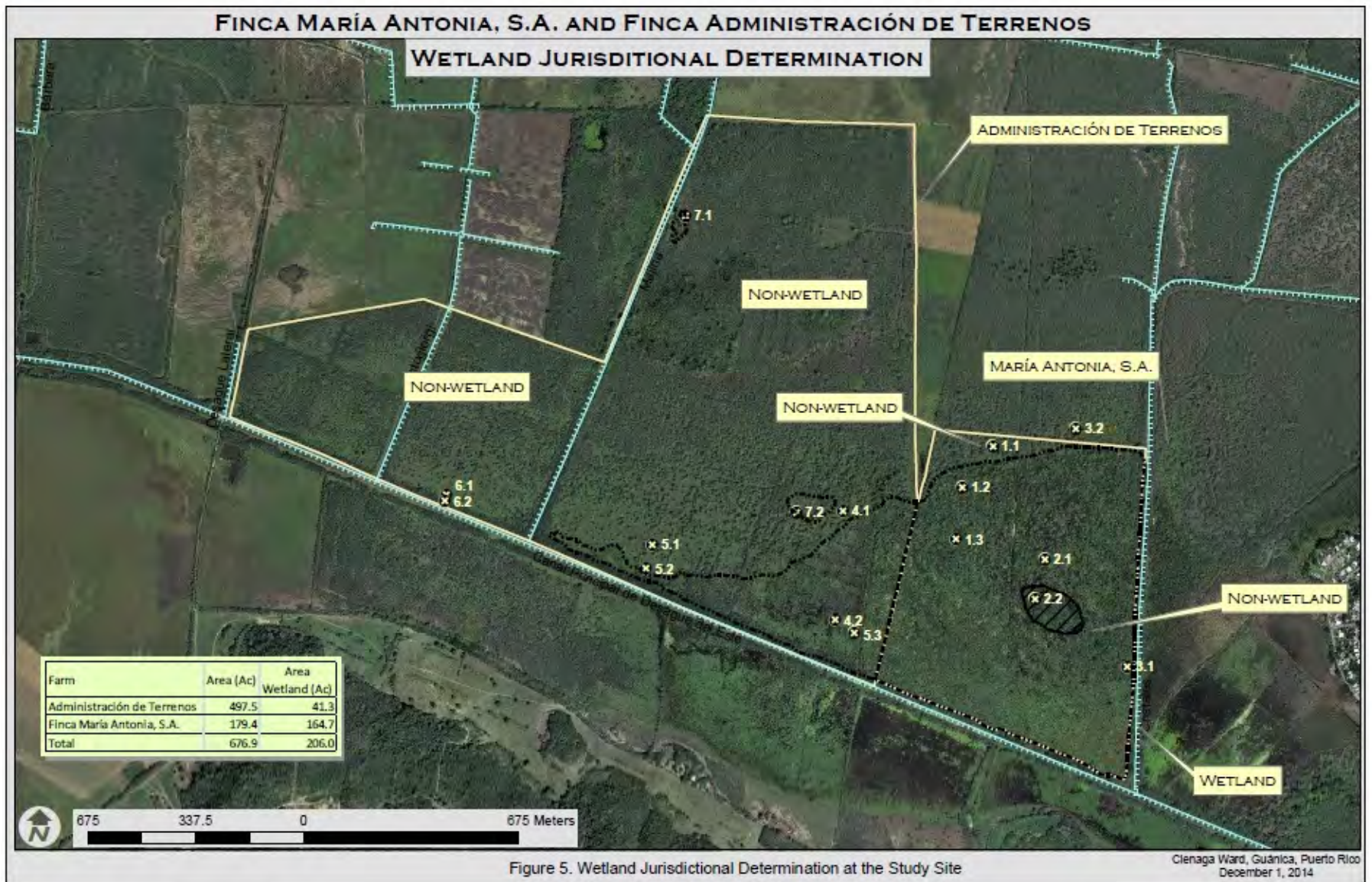
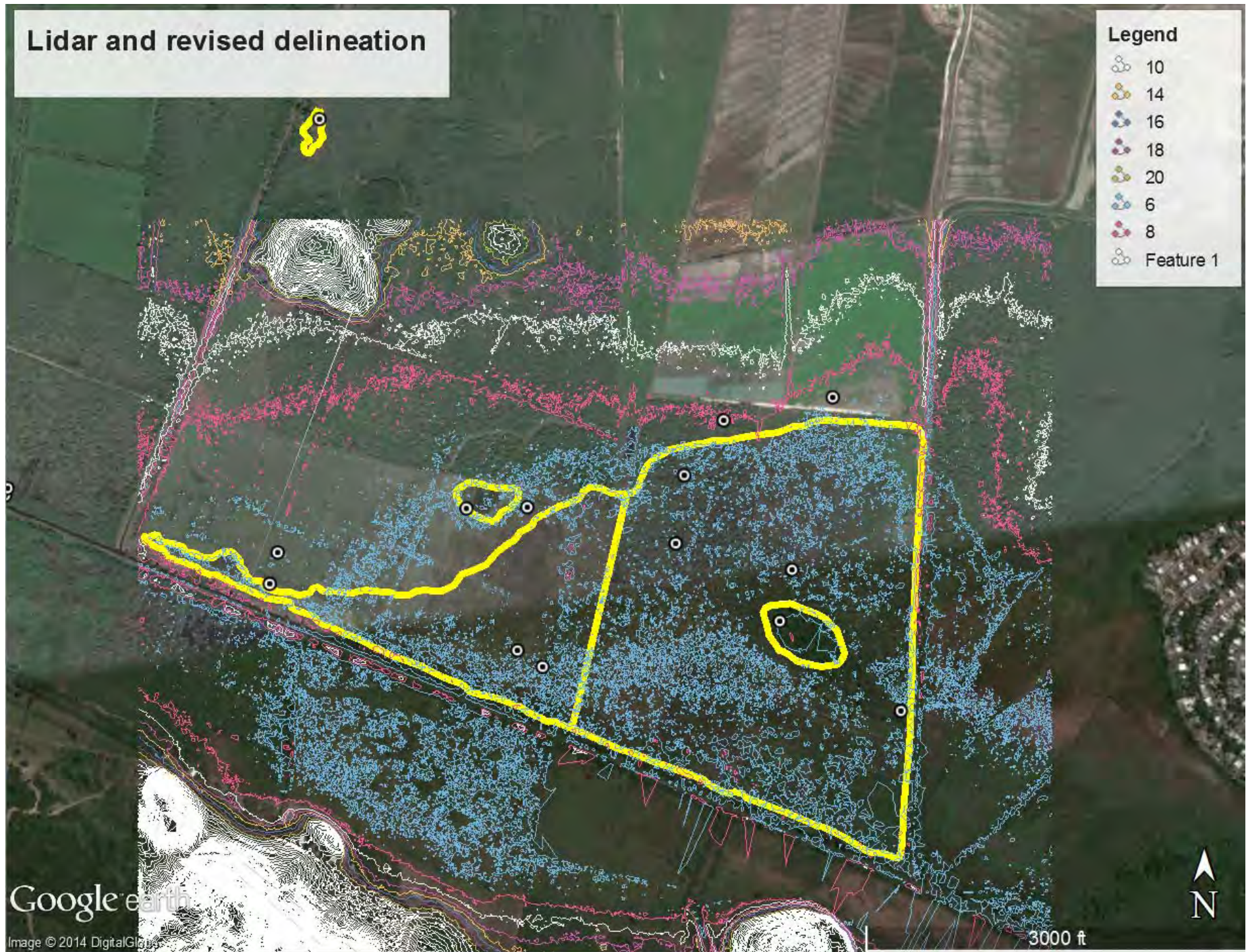


Exhibit K Revised, unverified wetland delineation submitted by PRLA in December 2014.
 “Administracion de Terrenos” corresponds to Finca Limon.

Lidar and revised delineation



Lidar and revised delineation

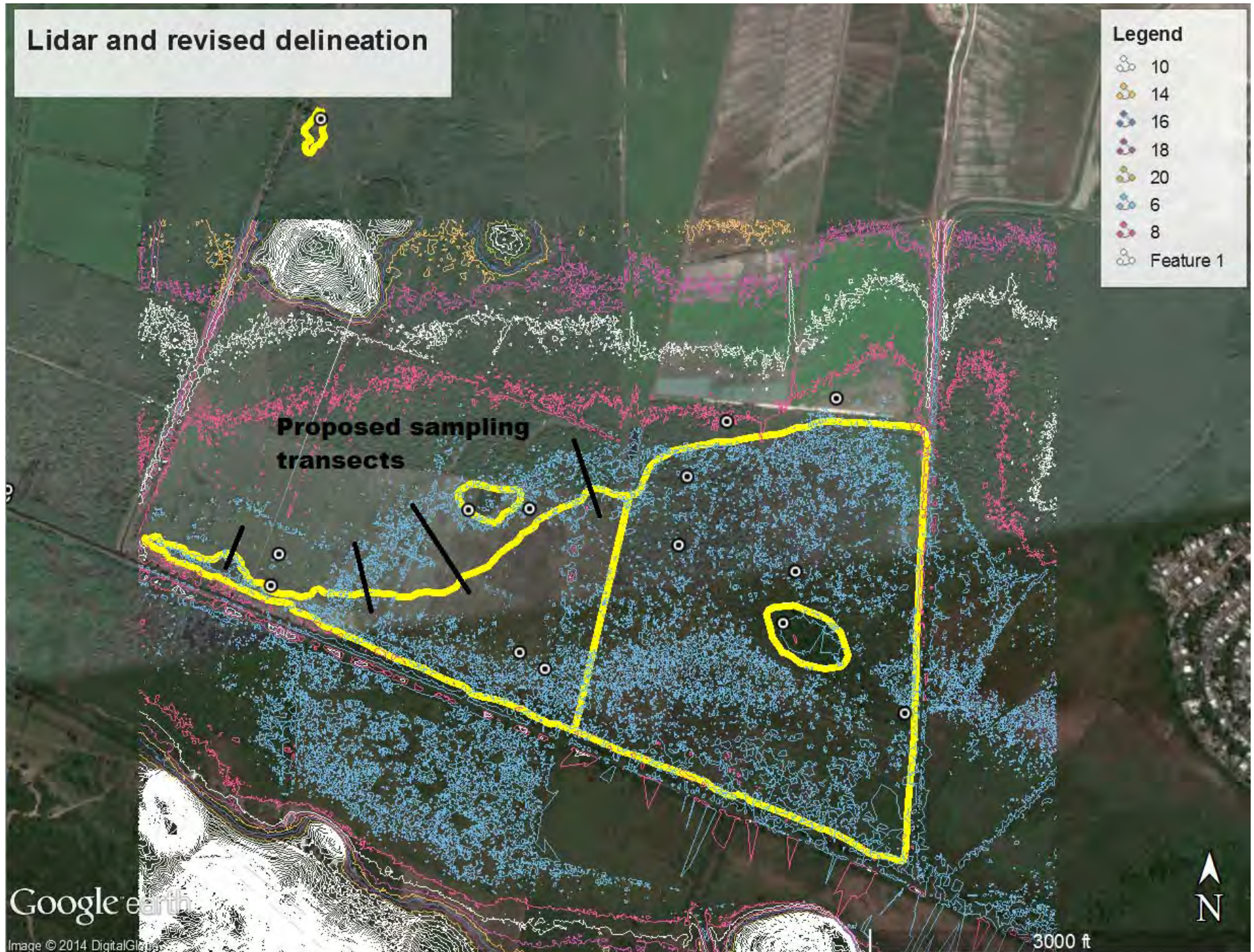




Figure 5. Wetland Jurisdictional Determination at the Study Site

Exhibit N Revised, unverified wetland delineation submitted by PRLA in December 2014, with sampling transects T1 through T4, and sample points (green “x” points 1.1, 1.2, 1.3, and 2.1) taken 12/9/14.



Exhibit O Farm road in the northeast corner of the portion of the Site that was cleared in June 2014, approximately at the southern end of transect T1. View looking westward.



Exhibit P View of delineated 41.3-acres of wetlands on the Site, adjacent to Lajas Channel, viewed from approximately at the southern end of transect T1. View looking southwestward.



Exhibit Q Representative photograph of conditions in the area of sampling points 1.1, 1.2, and 1.3, on December 9, 2014.



Exhibit R Photograph of conditions at sampling point 2.1, on December 9, 2014, looking eastward towards the 41.3-acre mapped wetlands.



Exhibit S Photograph of the 2.2-acre artesian upwelling oval wetland, on December 9, 2014, looking southwestwards.



Exhibit T Representative photograph of conditions in the northern portion of the Site on December 9, 2014.



Exhibit U Representative photograph of cattle path/erosional feature in northern portion of the Site on December 9, 2014.



Exhibit V Representative photograph of Majina Channel in a segment of the channel clogged with vegetated sediments, on December 9, 2014.



Exhibit W Representative photograph of Majina Channel in a segment of the channel that has been dredged to remove sediment build-up, as viewed on December 9, 2014.



Exhibit X Representative photograph of the northwesternmost portion of the cleared area of the Site, looking southeastward, as viewed on December 9, 2014.



Exhibit Y Representative photograph of the soils throughout the Site. This hole was dug in the central-western portion of the cleared Site. Note uniform gray color and absence of obvious redox features.



Exhibit Z Representative photograph of the conditions in the central-western portion of the cleared Site. The location is dominated by unidentified grasses. Surface soil is dry enough for participants to sit on the ground.

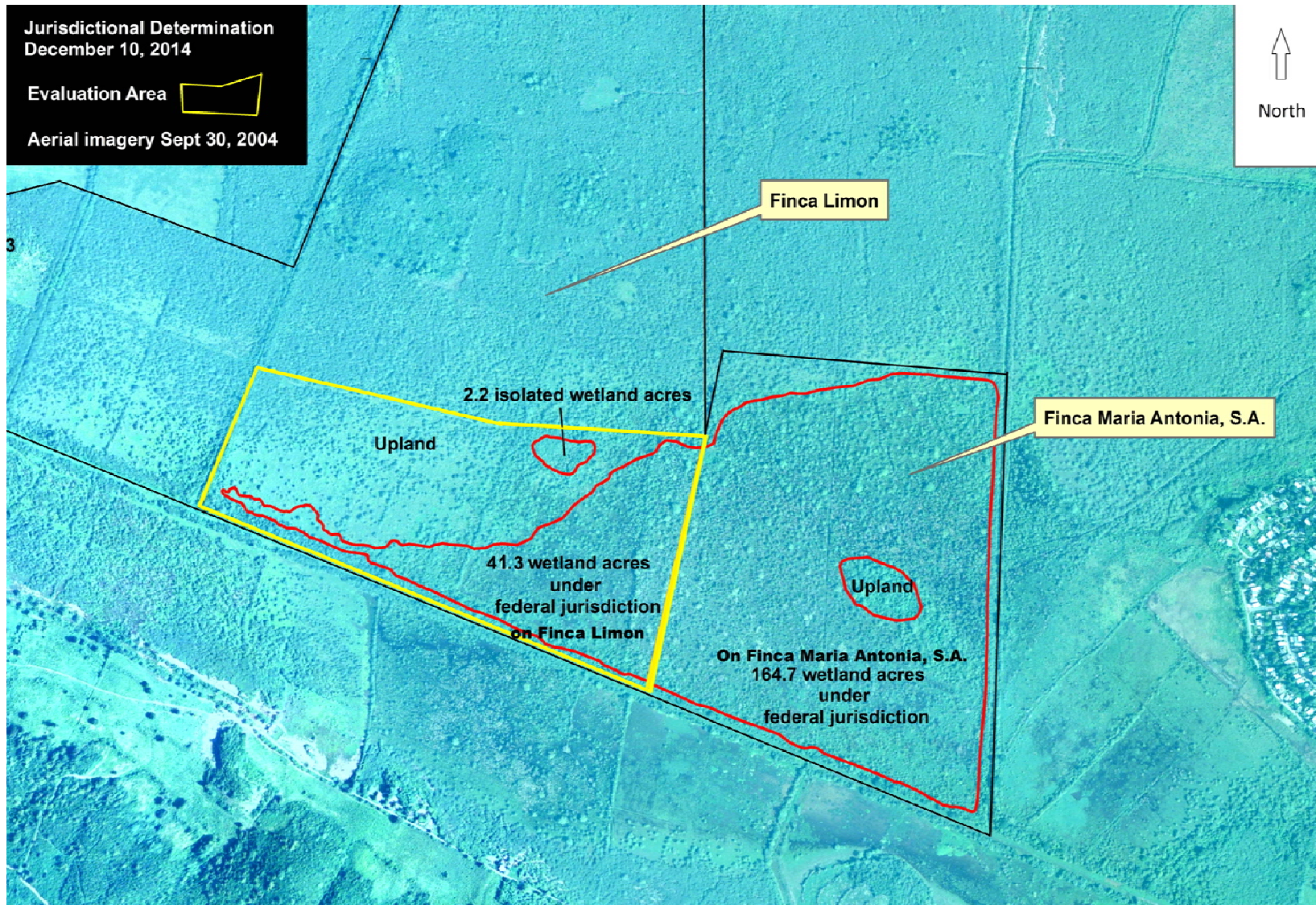


Exhibit AA - EPA jurisdictional determination for enforcement purposes.